

RECEIVED

JUN 17 1994

Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Administration of the North) CC Docket No. 92-237
American Numbering Plan) Phases One and Two

COMMENTS OF THE
AMERICAN PUBLIC COMMUNICATIONS COUNCIL

The American Public Communications Council ("APCC") submits the following comments in response to the Commission's Notice of Proposed Rulemaking on the North American Numbering Plan.

STATEMENT OF INTEREST

APCC is a trade association made up of more than 250 independent (non-telephone company) providers of pay telephone and public communications equipment, services, and facilities. APCC seeks to promote competitive markets and high standards of service for pay telephones and public communications.

APCC participated in the earlier phase of these proceedings pursuant to the Notice of Inquiry issued by the Commission. APCC's interest in these proceedings is to ensure that (1) NANP administration is conducted in an open and nondiscriminatory manner and (2) policy decisions about numbering and dialing changes are reached well in advance of implementation and do not impose unnecessary or unreasonable costs on equipment owners, including IPP owners.

644
No. of Copies rec'd _____
List A B C D E _____

DISCUSSION

I. PHASE I ISSUES

A. New Numbering Administrator

The FCC is proposing to name a new numbering plan administrator to replace Bellcore, which has resigned. The Commission proposes to name a "single, non-government entity established by this Commission and, therefore, subject to our oversight but also separate from this Commission and not closely identified with any particular industry segment."

APCC supports this proposal. As IPP providers, the members of APCC compete directly with the payphone services offered by local exchange carriers ("LECs"). At the same time, IPP providers are dependent on these same LECs for essential "bottleneck" exchange services, including the assignment of telephone numbers. Inherent in this situation is a strong potential for bias and unjust discrimination in number assignments.

As an example of APCC's concerns, fraud prevention has been a major problem for independent public payphone providers. See generally Policies and Rules Concerning Toll Fraud, Notice of Proposed Rulemaking, CC Docket No. 93-292, FCC 93-496, released December 2, 1993, and the comments of APCC and others filed in that proceeding. One fraud prevention measure which has been discussed in industry forums is the assignment of 8000 and 9000 series telephone numbers to payphones. It is believed that assignment of specific kinds of numbers to payphones would assist in the

prevention of fraudulent incoming international collect calls, by alerting overseas PTTs that certain numbers are associated with payphones and should not be used for collect calling. APCC members are concerned that bias in number assignment practices may prevent them from being treated fairly in the assignment of such numbers.

APCC believes that the appointment of a neutral administrator that is not aligned with LECs would be a helpful step in preventing bias in number assignment practices.

B. Policy Making and Dispute Resolution

The FCC also requests comment on whether to establish a "numbering policy board" to assist it in deciding numbering policy issues. As the Commission notes, "the existing system of forums with their reliance on consensus may be deficient in that difficult decisions may be unreasonably delayed or simply not made at all." Notice, ¶ 24. As noted by one of the parties commenting on the Notice of Inquiry, the lengthy processes involved in industry consensus forums tend to favor parties who have the resources to attend the numerous meetings that consensus procedures seem to require. Id., ¶ 20, n. 26.

APCC urges the Commission to take an active role in supervising the development of numbering policy. Any industry "consensus" body should be under a strict time limit (e.g., one year) to make policy decisions. If the time limit is exceeded, then the FCC should intervene and make a decision.

C. Funding for NANP Administration

The FCC proposes to fund the administration of the numbering plan through some form of charges on the use of numbers. In implementing such a system, it is important that the Commission oversee the manner in which carriers with market power recover such fees from ultimate users. The Commission should ensure that fees are recovered by dominant carriers in a nondiscriminatory manner, so that, for example, the costs of numbers used by a dominant carrier's competitive services are not improperly shifted away from those services and loaded onto services needed by the dominant carrier's competitors.

II. PHASE II ISSUES

A. Feature Group D Expansion

The Commission is proposing a transition period of six years to phase in the introduction of 101XXXX access codes to replace the existing "10XXX" codes.

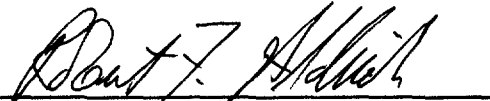
APCC believes that the transition period should be 12 years, and certainly should not be shorter than six years. APCC has collected SMDR data from a number of its members in order to understand more about the dialing of access codes by callers at payphones and other public telephones. APCC's research indicates that only a very small fraction of CICs are actually used by humans as dialing sequences for feature group D "10XXX" dialing at payphones. Significantly, this very small number of CICs involves a very large, and recent, investment by IXC's in marketing and

promotion of 10XXX dialing by end users. As a result of these efforts and the conversion of payphone and other public telephone equipment to accommodate 10XXX dialing, the few codes that are used for access code dialing at public telephones are very heavily used. These codes (such as AT&T's well known "10288" code) are increasingly familiar to and used by more and more customers, who collectively make hundreds of millions of calls annually by dialing 10XXX codes from public telephones.

APCC believes that any transition to a new format for dialing these access code calls should be carefully managed to avoid unnecessary confusion and complaints on the part of the millions of customers who currently use 10XXX codes for access code dialing from public telephones. It is important to remember that access code dialing is a relatively recent development that has involved a significant adjustment in consumers' dialing habits. A twelve-year transition period will ensure that the maximum number of consumers have become acclimated to the concept of access code dialing before consumers are required to adjust to a new and unfamiliar access code. In addition, a twelve-year transition period will ensure that IXC's, payphone providers, and others have ample opportunity to prepare for the transition to a new access code dialing format. With a sufficiently long transition period,

customers will be minimally affected by any problems experienced by owners of payphone equipment or other "aggregator" equipment in converting their equipment to the new code formats.¹

Respectfully submitted,



Albert H. Kramer
Robert F. Aldrich

Keck, Mahin & Cate
1201 New York Avenue, N.W.
Penthouse Suite
Washington, DC 20005
(202) 789-3400

Attorneys for the American
Public Communications Council

June 7, 1994

¹The Commission notes the importance of conservation measures during the transition period. Notice, ¶ 54, n. 88. In light of the very small number of access codes that have been actually needed for purposes of access code dialing from public payphones, it should not be necessary to reclaim more than a small number of three-digit CICs from the large number of redundant codes that seem to have been accumulated by various IXCs, in order to sure of accommodating any new IXC needs for three-digit feature group D codes that might conceivably arise in the public telephone market.